App. F. IX-4

192 Law

File No. 72-27

Previous References

Serial Nos. 1 — 4

Later References

Law 72-27, (5-7)
" 223-35 (1-3)
" 223-35-4
" 23-38-1-4

General and Revenue Secretariat.

Serial Nos. Law

Part B for Jan 1925

SUBJECT

O.S no 2/24-25 Govt Ltr. Shimoga
Habeeb v/s Ahmed Hooza & Sons

Z
h. P.P Shimoga
No? 5174 & 18-3 25
Statistical — The monthly statements
Paid may be sent

B.T. Agent
15.1.25

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 326 · 23

FILE HEADING.

Notice issued by M/s Shankaranarayana Adiga Advocate on behalf of Mr Habeed Ahmed Mooosa Sait re non delivery of timber bought by him from Mr Arjimuddin

From Hon Mr K Shankaranarayan Adiga

No. Dated 19·6·24 Received 23·6·24

Diary No. 5624	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

States that 596 logs of teak measuring in all 42607 c.ft at Rs a c.ft was bought in auction by Mr Arjimuddin of Bellary that the value thereof has been paid in full, that his client has bought the timber from the purchaser at the highest bid but has not given delivery of timber and says that if the timber with compensation at 1 anna in a week is not given his client will pass his claim in a court of law.

NOTES AND ORDERS.

Subt for orders calling for a report being subd in three days. H

NOTES—First Sheet.

G. R. S. III-2]

WD 2310—GPE—10,000—31-5-24

General and Revenue Secretariat

File No. 326 of 1924

Serial No.

~~may kindly peruse the~~ ~~case~~ does not appear that the Collector has been threatened with such a notice ~~as~~ It is for orders whether 23.6.24 under rule 84 of the rules, this may be sent to the L.S.-Secy

May W

It seems better to Censure the L & L Secy after the records are received from the C. J. A letter calling for a report is put up It is for consideration whether any reply is necessary to the Advocate who has given only a week's time in this notice.

Yr orders

SMR 24/6

Rev Secy

24-6

Lab Secy will comply

SMR 25/6

Send with a draft letter calling for the records and a detailed report.

25.6.24

Appl 25/6

NOTE—Contn. sheet.

G. R. S. III-2]

WD 2310—GPE—10,000—31-5-24

General and Revenue Secretariat	File No.	of 19

	Serial No.	
No. 158A. 30.6.24		To the Conservator of Forests No 157 dated 25-6-24 asking for a detailed report of the connected records. From the Conservator of Forests No 31 dated 15.7.24 Stating that the records are being searched for & that he expects to be able to send them by the 25th instant Submitted for perusal. The receipt of the records will be awaited. 16.7.24 7/7 The records have not yet been received & appl. remains. 29.7.24 Reply has not yet been received. Appl Remains 15.8.24 appd 18/8

G. R. S. III-21

General and Revenue Secretariat.

File No. 864 of 19

Serial No.

From the Conservator of Forests No 126 dated 13.8.24. Submits a report in the matter

The entire records connected with the case have not been sent. The report does not also deal with the statements in para 2 of the Notice.

D.C.

From the report it is clear that the purchaser has taken delivery of the logs & that he was prevented from removing the same owing to an attachment being obtained by one Kalyana from the Court of Munsiff, Thrissur. Hence he has no cause of action. He may perhaps be intimated accordingly

1090/1918

1st number)

Yes. Pass when no reply 18/8

When asked that reasons need

After his purchase pass notice 5

Divisional Forest Officer, Nilambur - with reference to his letter dated 13th August 1924 and enclosures

19/8 Case No. 1090/1918 Supreme Court

Intimation to the purchaser that he may take legal proceedings against the Forest Department if he considers that he has a cause of action.

NOTE—Contn. sheet.

G. R. S. III-2]

WD 2310—GPB—10,000—31-5-24

General and Revenue Secretariat.	File No.	of 19

Serial No.

Draft Sent
V.V. 20.8.24

appd
8/
20/8

To K. Shankaranarayana Iyer by Advocate Shimoga No 54/. Dated 21.8.24. Stating that Govt. do not accept the liability & are not liable.

NOTE—Contn. sheet.

979.
O

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

Subject.

The District Judge, Shimoga Dist. Division has sent us Summons & duplicate re original Suit No. 2 of 1924-25 in which the Govt of Mysore is one of the defendants. The subject matter relates to some irregularity in the sale of Timber by the Forest dept. This may be sent to the Revenue Secretary to Govt.

4/10

1) The suits against Govt. the Summons have to be sent to the Chief Secy according to the existing law. He will then transfer it to the Ld Secy.

3) This may therefore be submitted to the Chief Secy for acceptance of the Summons the original may be signed & the duplicate & copy of Plaint returned.

Chief Secy

Secy 6/4

4) Original signed by Secretary; duplicate & copy of Plaint returned 7/4

7/4

N. B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1880—GPB—1,50,000—2 5-24

fm 1778

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted with a draft
mnl 8/10/24 7/

7 June
Mw 8/10

Issued G. 2705 D/ 9.10.24
entered in the Register (Vide
item No 7 in the Register) & resubmitted
with reference to para 5 supra

15/10

To
1939 The [illegible] Br (Forest Section)
with Compliments
7/.1578/20

GEN. REGY. SECRETARIAT
16 OCT 1924
INDUSTRIES & COMMERCE BRANCH.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Serial No.

LOCAL AND LEGISLATIVE SECRETARIAT
III
2 OCT 1928
PROTECTION BRANCH

Subj.

This may be sent to the L. L. Secy in continuation of the previous file on the subject sent to him on 25.6.28 vide D. No. 5624 of this Branch.

(vide Rule 15 of Rules for conduct of Legal Affairs)

SMR 18/10

Rev Secy

L. L. Secy

Complied

SMR 24/10

Perhaps previous reference should be given.

24/10.

11.10

Subj may please be taken (linked file) The Public Prosecutor, Shimoga Dist may perhaps be requested to appear on behalf of Govt & conduct the case vacating instructions from the Conservator. Draft Subj for orders

10.10. L L Secy

Draft may be approved

Approved

20/10

Secy

25.10

27/10

29/10

5812/26×28

NOTE—Contn. Sheet

3018

File No. of 19

General and Revenue Secretariat.

Serial No.

[illegible]

[illegible]

[illegible]

O.S. No. 36/25 of Shimoga

eral and Revenue Secretariat.

File No. (Habeeb Ahmad Munshi) of 19

Serial No.

Endo. with a draft reply to the Public Prosecutor Shimoga

Rs. 0-2-0 18/3/25

To

The Public Prosecutor

Shimoga

PS174 dated 18-3-25.

With Refee to his letter no 97 dated 18-2-25, States that it is alright and may be filed and return Copy of the Plaint

The suit is yet pending. The plaintiffs case is closed & the deft had to begin his — The progress will be watched from the quarterly Statements — This may therefore be filed —

15/3/29

8/1/29

Fr-3 26-23-

K. SHANKARANARAYANA UDPA, B.A., LL.B.
ADVOCATE.

Shimoga,

Date 19th June 1924.

To
The Chief Secretary
to the Government of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I am instructed by my client Mr. Habeeb Ahmad Moosa Sait, Merchant, Shimoga, to inform you as follows:

Syed Azimuddin Moulvi of Bellary purchased from the Forest Department at an auction sale held on 9-6-1921, 598 logs of teak measuring in all 4267 cft at 0-4-0 per cft, which were then lying at Chikmagalur, Kumsi Sub-Taluq, and that sale was confirmed on 28-6-1921. Full amount of the purchase money was credited to the Treasury in accordance with the rules. But the timber which ought to have been handed over to him (purchaser) soon after confirmation was not however delivered to him.

2. The above named said purchaser, Mr. Syed Azimuddin Moulvi, subsequently sold all the logs in the said lot to my client Mr. Habeeb Ahmad Moosa Sait @ 4½ annas per cft, gave due intimation of that fact to the District as well as the Range Forest Officer, Ayanoor, asking the Forest Department to cause the logs to be delivered to him. But the timber has not yet been delivered to him in spite of his repeated requests.

3. It is thus clear that the Forest Department has received the full price of the timber sold, viz Rs. 1066-12-0, but they have not given delivery of the timber either to the auction purchaser or his transferee (my client). You will therefore see that it is a hard case deserving of immediate redress; and that justice requires either the purchase money to be refunded with interest or the logs to be deli-

delivered with adequate compensation for its deterioration due to exposure to sun and rain. My client would have made a clear profit of 0-1-0 per cft, if timely delivery had been given by the Forest Department and he is therefore entitled to be compensated at the rate of one anna per cft.

4. I therefore request you to kindly take notice that unless you cause the timber to be delivered to my client with adequate compensation for its deterioration, or refund the full purchase money with interest at 6% and damages at one anna per cubic foot as above stated within one month from the date of receipt of this notice, my client will be put to the painful necessity of pressing his claim against the Government through a Court of Law, in which event you will have to bear all his costs and other loss etc. to be incurred by my client in this connection.

I have the honour to be

Sir,

Your most obedient servant

Immediate

No 157/Law 4-23-7 & 25-6-24

The Conservator of Forests

in Mysore,

Bangalore.

I am directed to forward herewith copy of a Notice dated 19th June 1924 from Mr. K.Shankaranarayana Udpa, Advocate, Shimoga on behalf of Mr. Habeeb Ahmad Moosa Sait, Merchant, Shimoga, regarding the non-delivery to his client of teak logs purchased and paid for by one Mr. Azimuddin and to request that the records connected with the case may be kindly sent within 3 days together with a detailed report on the points referred to in the notice.

The matter should be treated as immediate.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,
Local and Legislative Departments

230

OFFICE OF THE CONSERVATOR OF FORESTS IN MYSORE.

Tel. Address.
"Forestcon"

Dated Bangalore, 5th July 1924

No. 31

FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Conservator of Forests in Mysore.

03705

To

B.Nagappa, Esquire, Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments.

5. JUL

SIR,

Advertin, to your D.O. letter dated 4th July 1924, forwardin, a notice dated 19th June 1924, received from Mr. K. Shankaranarayana Upa, Advocate, Shimo,a, on behalf of Mr. Habeeb Ahmad Moosa Sait, Timber merchant, regardin, the non-delivery of timber purchased by the latter and requestin, the submission of a report alon, with the records of the case, I have the honour to state that I am aware of this transaction which is a very complicated one. As far as I can remember, the sale to Mr. Moosa Sait was not a direct one by the Department; but was, I think, transferred by some ori,inal purchaser or purchasers, without the knowled,e of the Department lon, after the ori,inal sale. The first sale took place about 1916. The sale records are not readily available and are bein, searched for. Ur,ent re-minders are bein, sent to the District Forest Officer, Shimo,a to expedite the submission of a report with records. A telegraphic reminder has also been sent to him on the 4th. The papers will be forwarded to you as soon as they are received in this office and I expect to be able to do this by about the 20th current.

I have the honour to be,
Sir,
Your most obedient servant,

B.V. Ramaiengar

For Conservator of Forests.

9-7-24

G. R. S. VI—G/32

SUBJECT.....

.....

.....

Diary No. of letter replied to————

Section.

File No.

Serial No.

General and Revenue Secretariat

, *the* ( ) *192*

No. 21

Date of issue 28. 7. 24

Signed by [illegible]

To

The Conservator of Fore[illegible]

Sir,

I am directed to invite reference to your letter No. 31 dated 18. 7. 24 re the matter of suit against Govt. by M K Shankara Narayana Bhat Advocate Chittur on behalf of Kaleel Ahmed Moosa Sait &

over.

List of enclosures.

Copied by

Examined by

D 2245 - GPB—2,000—6-6-24

644

OFFICE OF THE CONSERVATOR OF FORESTS IN MYSORE.

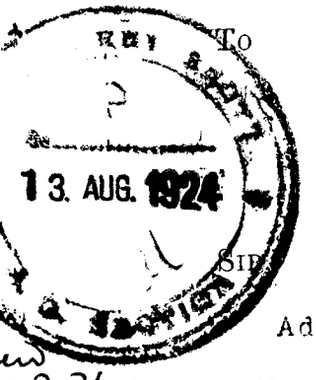
Tel. Address.
"Forestcon"

Dated Bangalore, 12/ *192*

No. 12½

9246 FROM

B. V. RAMAIENGAR, ESQ., B.A.,
Conservator of Forests in Mysore.



To

B.Nagappa, Esquire, Bar-at-law,
Secretary to the Government,
Local &.Legislative Depts. Bangalore

Adverting to the correspondence ending with your D. O letter No.21/Law of 28th ultimo regarding the notice of suit against Government by Mr.K.Shankernarayan Udpa, Advocate /Shimoga, on behalf of Mr.Habeeb Ahmed Moosa Sait in the matter of delivery of some timber claimed by him, I have the honour to forward herewith a copy of Shimoga District Forest Officer's docket No.71 dated the 31st July 1924, when from it will be seen that the timber which was purchased by Mr.Syed Azimuddin Moolvi Sab of Bellary in June 1921, was, after recovery of its value duly sold, stamped and delivered over to the purchaser - a fact which is brought by his own letter dated 22nd December 1921, which is enclosed herein for kind perusal and obliging return when no longer required.

The sale to Mr.Moosa Sait by Mr. Moolvi Sab was purely of a private nature and the Forest Department had not had anything to do with it. It looks more like a nominal sale, brought about in order to evade the attachment of the timber by the Shimoga Munisiff Court at the instance of one Haldanna.

I have the honour to be,
Sir,
Your most obedient servant,

B V Ramaiengar

Conservator of Forests.

KNI.9.8.24.

Copy of docket No.71 dated 31st July 24 from the District Forest Officer, Shimoga Division, to the Conservator of Forests in Mysore.

******

With reference to his No.32 dated the 15th instant has the honour to state that the transactions pertain to the sale of 4267 c.ft. of teak pieces collected near Chickmarasa village, to one Mr. Syed Azimuddin Molvi Sab of Bellary in June 1921. The timber was paid for and sold stamped and delivered to the purchaser referred to as per his letter marked "A" dated 22-12-21 of the said Molvi Sab which will be found in the enclosed file.

The timber was got attached by one Haladanna through the Munsiff of Shimoga in connection with a civil suit filed by him against Mr. Azimuddin. The Department is not therefore responsible for the non-delivery of the timber to a third party Mr. Habib Ahamed Moosa Sait the petitioner.

The District Forest Officer has nothing to do with the transactions between Messrs. Habib Ahamed and Syed Azimuddin Molvi. The file of correspondence on the subject as per pherist is enclosed for favour of perusal and kind return when done with.

****

TG/9-8-24

Conservator of Forests.

G. R. S. VI—G/32]

SUBJECT

Diary No. of letter replied to———

Section. Land.
File.No.
Serial No.

General and Revenue Secretariat
( )
the *192*

No. 5.4/Land

Date of issue 21.8.24

Signed by [illegible]

To
K Shunkaranarayana
Advocate B.A., L.L.B.
Jaffna

Sir.

With reference to your notice dated 19.6.24 on behalf of your client M. Habeeb Ahmad Moosa Saibo Merchant Shunga regarding the alleged non-delivery of

over.

certain number purchased
by one Mr Syed Nizamuddin
Mankri from the Forest
Department. I am
directed to state that
Govt do not accept
the liability and are
not liable

I have &c

8-1

Co. 1 Loc Depts

List of enclosures.

Copied by

Examined by

WD 2245--GPB—2.000—6-6-24

18247

Civil.

Form No. 93.

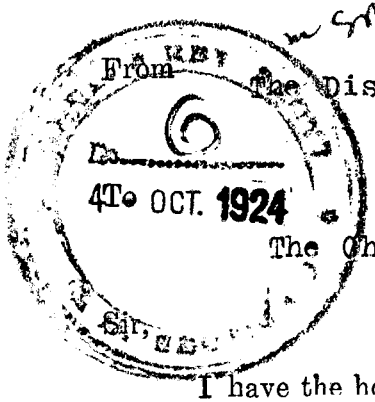
XX 280

2.10-24.

Shimoga

2nd October 1924.

From The District Judge,
Shimoga Division.



To The Chief Secretary to the Government of Mysore
Bangalore.

Sir,

I have the honor to forward herewith Defendant Summons, in duplicate in Original suit No. 2, of 1924-25, in the file of this Court, and to request that you will be so good as to ~~cause~~ retain the duplicate ~~to be served on the individual therein named,~~ and return the original returned to this Court with due endorsement of service thereon. on or before the date of hearing. 3rd November 1924.

~~A sum of Rs. is herewith sent, being witness batta.~~

I have the honor to be,

Sir,

Your most obedient servant,

GPB—11,050—1-9-09

District Judge

G. R. S. VI- G-321

SUBJECT

9

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192*

Date of issue 9.10.24

Signed by Mr. 17.V.9

Section Home C.M

File No. 12-27

Serial No. 2

No. G 2705/Cal/

To The Dt. Judge

Shimoga Dt.

With refce to his letter no XX 280 & 2nd Oct. 1924, forwarding defendant summons in duplicate in O.S. No. 2 of 1924-25 on the file of his Court, has the honour to return herewith the original Summons, duly signed by the ~~Chief Secretary to Govt.~~

B. O.

For Chief Secy to Govt.

8/10/24

over

Civil 6/10

G. R. S. VI–G-32] B50—WD 0527

SUBJECT

iary No. of letter replied to

General and Revenue Secretariat

( )

, the *192*

Section Law

File No. 72-29

Serial No. 2

No. 2206 Encls

Date of issue 29/10/24

Signed by M. [illegible]

To The Public Prosecutor
Chingleput

Sir,

I am directed to forward herewith the duplicate of summons served on the Chief Secretary to Govt. in O. S. No 2 of 26. 4. on the file of the Hr. Prosecutor, Chingleput (Habib Ahmed Musa Sait by his attorney Alli Mohamed Vs The Govt. of Mysore and another) and to request you to represent & advocate on behalf of Govt and conduct the case, valuing

over

the necessary instructions
from the Conservator of Forests.
Copies of the notice of sale
dated 13.6.24 and the reply
of Lala Thereth are also herein
enclosed for information
and
Ranch

$\frac{\text{S/}}{\text{D.O.}}$ LR Sent

No. 2209-S/Ench 24 (2) of 29/10/24
Copy of the order is forwarded
with compliments (i) to the Commissioner
(ii) to the Conservator of Forests with
reference to their endg with
his letter No 126 dated 13.8.24
R Syed Azeemuddin's letter dated
22.12.21 is herewith returned
R.O.

LR Sent

No 2209 of 29/10/24
Copy to Forest Secretary

34

LOCAL AND LEGISLATIVE SECRETARIAT III 6 NOV 1924 PROTECTION BRANCH

1994 P

MEMORANDUM

21585

From N.Seshasastri Esq.,B.A.,B.L., Public Prosecutor, Shimoga Division.

To The Secretary to Government, Local & Legislative Department Bangalore.

3-11-24. 192

6 NOV 1924

Sir,

In acknowledging your letter No.2296 dated 29-10-24 with enclosur I have the honor to state that I appeared for the Government today in O.S.2/24-25, on the file of the District Judge's Court, Shimoga (Habib Ahmed Musa Sait vs The Government and another) and that I took time to produce the Written Statement. The case stands adjourned to 2-12-24. I have addressed the Conservator of Forests requesting him to give me the necessary instructions in the case. On receipt of the same the needful will be done

I have the honor to be,
Sir,
Your most obedient servant,
N Seshasastri
Public Prosecutor

) 734—GPB—25,000—16-1-24

Please reply overleaf

35359

From

N.Seshasastri Esq.B.A.,B.L.,

Public Prosecutor,

Shimoga Division.

To-

Secretary to Government,

Legislative Department,

Bangalore.

Re O.S.2/24-25 District Judge's Court, Shimoga
(Habib Ahamed Musa Sait vs Government and another)

I have the honor to submit herewith a draft of the Written State-ment for approval as required by Rule 93 of the Rules for the Conduct of Legal Affairs of Government,G.O.No P4966-5045-cts,76-23-1 dated 10/19 -3-1924 and to request that the same may be kindly perused and returned to me with such modifications as you may deem fit to make. On receipt of the same , a fair copy will be made and filed in Court on getting it duly signed and verified in the manner requirdd by law. The draft is prepared in consultation with the Range Forest Officer, who was deputed by the District Forest Officer, Shimoga to instruct me.

For a better understanding of the case, I enclose herein a memo explaining clearly and succinctly the facts that have given rise to this litigation. A perusal of the same and copy of the plaint (also enclosed herein) will show that the most important point in the case is " Has the Forest Department done all that it should do in giving delivery of the teak pieces which it sold to the 2nd defen-dant in public auction?" If the question is answered in the ---- affirmative, Government is not liable, otherwise it is.

The date of hearing for producing the Written Statement

is 23-2-1925(next Monday). As it may not be convenient to you to go through the papers in this short space of time, I shall move the Court to grant me another adjournment.I request you to kindly treat the matter as urgent and let me know by what date I may expect the draft back As the case had been adjourned for the same purpose twice or thrice before, I beg to state that the Court may not be disposed to grant a long adjournment

I have the honor to be,
Sir.,
Your most obedient servant,
V. Ramachandra Rao
Public Prosecutor, Shimoga Division.

Shimoga.
18-2-1925.

106 36820

3804

MEMORANDUM

From

N. Seshasastri Esq. B.A.,B.L.,
Public Prosecutor,
Shimoga Division.

To

The Secretary to Government
Local & Legislative Departments
Bangalore.

3 March'25 1925

6 MAR. 1925

Sir,

In continuation of my No. 97 dated 18-2-25 sending a draft of the Written Statement in O.S.2/24-25(Habib Ahmed Musa Sait vs Government and another, on the file of the District Court, Shimoga), for your approval, I have the honor to request that reply to my letter under reference may kindly be expedited. A fair copy of the Written Statement, after your approval has to be sent to the Range Forest Officer, Heggadadevana-kote for his signature and verification and produced in court on the date of hearing. The case was for hearing on 23-2-25 and has been adjourned to 23-3-25 for filing the Written Statement on behalf of the Government.

WD 734—GPB—25,000—16-1-24

[Please reply overleaf

MEMORANDUM

Reply from	*To*	*192*

I request that the matter may be kindly treated as urgent.

I have the honor to be,
Sir,
Your most obedient servant,
N Seshadatta
Public Prosecutor,
Shimoga Division.

Endn. I the file herewith
Sent to the Secy L & L Dept.
9/
7/3/25

G. R. S. VI- G-32]

B50—WD 0527

SUBJECT

15

Diary No. of letter replied to

Section Home
File No. 72-27
Serial No. 6

General and Revenue Secretariat
( )
the *192*

No. J/5174 Encl

Date of issue 18/8/25

To The Public Prosecutor
Shimoga

Signed by

Sir,

With reference to your letter No 97 of 18-2-25 forwarding for approval the draft of the written statement in O.S No 2 on the file of the D.J. & S.J. Shimoga, I am directed to state that it is alright & that it may be filed.

The written statement & the copy of the following received with your letter under reply are herewith returned.

over

I have etc

18/8/25
for Secretary

Encl 45
18/8/25